

IN THE CIRCUIT COURT
 SAINT LOUIS COUNTY
 STATE OF MISSOURI
 ASSOCIATE DIVISION

PAUL RYMER,

Plaintiff,

v.

CREDIT CONTROL, LLC

Serve at:

Richard Saffer, Registered Agent

5757 Phantom Drive Suite 330

Hazelwood, MO 63042

Defendant.

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) Cause No.

)

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) Division

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) **JURY TRIAL DEMANDED**

PETITION

COMES NOW, Plaintiff, Paul Rymer, and for his Petition states as follows:

INTRODUCTION

1. This is an action for statutory and actual damages brought by an individual consumer for violations of the Fair Debt Collections Practices Act, 15 USC 1692 *et. Seq.* (“FDCPA”), which prohibits debt collectors from engaging in abusive, deceptive, and unfair practices.

2. Plaintiff demands a trial by jury on all issues so triable.

JURISDICTION

3. This Court has jurisdiction of the FDCPA claim under 15 USC § 1692k(d) because the illicit collection activity was directed at Plaintiff in St. Louis County, Missouri.

PARTIES

4. Plaintiff is a natural person currently residing in St. Louis County, Missouri.

Plaintiff is a “consumer” within the meaning of the FDCPA. The alleged debt Plaintiff owes arises out of consumer, family, and household transactions.

5. Specifically, Plaintiff believes the alleged debt arose from his personal residence’s sewer bill (“MSD bill”).

6. Defendant Credit Control, LLC (“Credit Control”) is a Missouri limited liability corporation with its principal place of business in Hazelwood, MO. The principal business purpose of Defendant is the collection of debts in Missouri and nationwide, and Defendant regularly attempts to collect debts alleged to be due another.

7. Defendant Credit Control is engaged in the collection of debts from consumers using the mail and telephone. Defendant Credit Control is a “debt collector” as defined by the FDCPA. 15 U.S.C. §1692a (6).

FACTS

8. Defendant’s collection activity of which Plaintiff complains occurred within the previous twelve (12) months.

9. Defendant’s illicit collection activity consisted of several phone calls with Plaintiff and at least one letter to Plaintiff.

10. Sometime in May of 2020, Plaintiff received a debt collection letter from Defendant Credit Control in regard to his MSD bill.

11. Sometime in May of 2020 after receiving the debt collection letter Plaintiff called Credit Control to gather information on the alleged debt.

12. During this call Credit Control told Plaintiff that he was not in collections and that they are not a collections company.

13. Plaintiff was confused and called MSD the original creditor who is owed the bill

and he was told his account had been turned over for collections to Defendant Credit Control.

14. Defendant Credit Control failed to send validation notice within five days after the initial communication. 15 U.S.C. § 1692g(a)(3),(4).

Violations of the FDCPA

15. Defendant Credit Control's statements during the May 2020 phone call with Plaintiff that he was not in collections and that they are not a collection company were false and misleading in violation of the FDCPA 15 U.S.C. §1692e, which prohibits false, deceptive or misleading representations in connection with the collection of any debt.

16. Specifically, Defendant Credit Control's statements were false and misleading because Defendant Credit Control is in fact a Debt Collector and was attempting to collect an MSD bill.

17. During the May, 2020, phone call Defendant Credit Control failed to disclose that the communication was from a debt collector, in violation of 15 U.S.C. §1692e(11), which requires that in any communication, the debt collector must disclose that the communication is from a debt collector.

18. Defendant's collection attempts have caused Plaintiff to incur actual damages including but not limited to loss of work time, frustration, anxiety, sleeplessness, and worry.

COUNT I: VIOLATION OF THE FDCPA

19. Plaintiff re-alleges and incorporates by reference all of the above paragraphs.

20. In its attempts to collect the alleged debt from Plaintiff, Defendant has committed violations of the FDCPA, 15 U.S.C. 1692 et. seq., including, but not limited to, the following:

a. Making a false and misleading statement in connection with the collection of a debt. 15 U.S.C. §1692e(10).

b. Engaging in deceptive and unfair conduct in the collection of a debt, 15 U.S.C. § 1692e, f.

c. Failing to disclose in a collection communication that the communication is from a debt collector in an attempt to collect a debt. 15 U.S.C. §1692e(11).

d. Failing to send a validation notice within five days after the initial communication. 15 U.S.C. § 1692g(a)(3),(4).

WHEREFORE, Plaintiff respectfully requests that judgment be entered against Defendant for:

- A. Judgment that Defendant's conduct violated the FDCPA;
- B. Actual damages;
- C. Release of the alleged debt;
- D. Statutory damages, costs and reasonable attorney's fees pursuant to 15 U.S.C. 1692(k); and
- E. For such other relief as the Court may deem just and proper.

Respectfully submitted by,

Pontello & Bressler, LLC

/s/ Dominic M. Pontello
Dominic M. Pontello, #60947
Attorney for Plaintiff
406 Boones Lick Rd
St. Charles, MO 63301
(636) 896-4170
(636) 246-0141 facsimile
dominic@pontellolaw.com



IN THE 21ST JUDICIAL CIRCUIT, ST. LOUIS COUNTY, MISSOURI

Judge or Division: JEFFREY PAUL MEDLER	Case Number: 21SL-AC02978
Plaintiff/Petitioner: PAUL RYMER	Plaintiff's/Petitioner's Attorney/Address: DOMINIC M. PONTELLO 406 BOONES LICK ROAD SAINT CHARLES, MO 63301 (636) 896-4170
Defendant/Respondent: CREDIT CONTROL, LLC	Date, Time and Location of Court Appearance: 23-MAR-2021, 09:00 AM DIVISION 37T ST LOUIS COUNTY COURT BUILDING 105 SOUTH CENTRAL AVENUE CLAYTON, MO 63105
Nature of Suit: AC Other Tort	

(Date File Stamp)

Associate Division Summons

The State of Missouri to: **CREDIT CONTROL, LLC**

Alias:

5757 PHANTOM DRIVE, SUITE 330
RICHARD SAFFER -R/A
HAZELWOOD, MO 63042

COURT SEAL OF



ST. LOUIS COUNTY

You are summoned to appear before this court on the date, time, and location above to answer the attached petition. If you fail to do so, judgment by default will be taken against you for the relief demanded in the petition. You may be permitted to file certain responsive pleadings, pursuant to chapter 517, RSMo. Should you have any questions regarding responsive pleadings in this case you should consult an attorney.

SPECIAL NEEDS: If you have special needs addressed by the Americans With Disabilities Act, please notify the Office of the Circuit Clerk at 314-615-8029, FAX 314-615-8739, email at SLCADA@courts.mo.gov, or through Relay Missouri by dialing 711 or 800-735-2966, at least two business days in advance of the court proceeding.

02-17-2021

Date

Further Information:
AKA

Joan T. Delaney
Clerk

Sheriff's or Server's Return

Note to serving officer: Service must not be made less than 10 days nor more than 60 days from the date the defendant/respondent is to appear in court. Service should be returned to the court within 30 days after the date of issue.

I certify that I have served the above summons by: (check one)

- ☐ delivering a copy of the summons and a copy of the petition to the defendant/respondent.
☐ leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the defendant/respondent with _____, a person of the defendant's/respondent's family over the age of 15 years who permanently resides with the defendant/respondent.

☐ (for service on a corporation) delivering a copy of the summons and a copy of the petition to:

_____ (name) _____ (title).

☐ other: _____.

Served at _____ (address) in _____ (County/City of St. Louis), MO, on _____ (date) at _____ (time).

Printed Name of Sheriff or Server

Signature of Sheriff or Server

Must be sworn before a notary public if not served by an authorized officer.

Subscribed and sworn to before me on _____ (date).

(Seal)

My commission expires: _____

Date

Notary Public

Sheriff's Fees, if applicable

Summons \$ _____

Non Est \$ _____

Sheriff's Deputy Salary

Supplemental Surcharge \$ 10.00

Mileage \$ _____ (_____ miles @ \$. _____ per mile)

Total \$ _____

A copy of the summons and a copy of the petition must be served on **each** Defendant/Respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.

ST. LOUIS COUNTY CIRCUIT COURT
Instructions for Remote Hearings for
ASSOCIATE CIVIL AND LANDLORD TENANT CASES

Until further notice, to protect the health and safety of litigants and counsel, hearings for civil cases pending in associate circuit court will be held by video through the Zoom app or website (zoom.us) rather than in person.

In order to appear through Zoom, you must have an email address. The Zoom app is free and is available through all phone app stores.

Below are the instructions for how to access the video hearing:

1. As soon as you receive these instructions complete the following:
 - a. Visit: <https://wp.stlcountycourts.com/remote-hearing-questionnaire-ac/> and fill out the required information. You will then receive an email with the video conference instructions; please check your spam folder if not received.

OR

- b. Please go to the court's website at www.stlcountycourts.com and click on



and type in applicable info.

- c. Alternatively, you may also email the court using the specific division email address for your case in the table below. The court will email you the Zoom meeting link.
2. On your scheduled court date and time, you can also go to Zoom.us and type in the Meeting ID listed in the table for the judge and division identified on the Summons or notice from the court.
3. **If you do not have email** or you are unable to participate by video, you can call in for your hearing at 312-626-6799. You will be asked to submit the Meeting ID – see table below and press #. You do not need a participant ID number.
4. **Note: If you fail to appear at your scheduled Court hearing via ZOOM or by phone, a default judgment may be entered against you.**

5. At the time of your scheduled hearing (ex. 9:00 a.m.), you should log into Zoom using the Meeting ID located in the table in these instructions for the judge and division identified on your Summons, notice from the court, or the link emailed to you from the court for your court appearance; unless you have made arrangements to call in (see #3 above). You will be placed in the Zoom waiting room and, when your case is called, a judge will admit you into the hearing room. It may be possible to talk to the opposing party about the case in a virtual conference room. There will be other cases in the court at the same time, so some waiting may be necessary. The court thanks you in advance for your patience.
6. If you have any questions, please call the division number listed in the table for the judge and division identified on the Summons or notice from the court.
7. Pursuant to St. Louis County Local Court Rule the VIDEO OR AUDIO RECORDING by litigants or by counsel **IS PROHIBITED**.
8. You may contact the opposing party before the scheduled court date to discuss the case and engage in negotiations. If a party is represented by an attorney, you must contact the attorney directly. You may hire an attorney to represent you.
9. If a settlement is reached, a Consent Judgment resolving the case may be filed with the court. A consent judgment must be signed by all the parties and dated. A Consent Judgment form can be found at <http://wp.stlcourtscourts.com/wp-content/uploads/PDF/AC/ConsentJudgment.pdf>. You can also complete your consent judgment on the record during your Zoom hearing. You can monitor the status of your case online on Case.Net at www.courts.mo.gov. Use the "Track this Case" feature to receive automatic email or text messages about your case.

Division	Judge	Phone #	Meeting ID	Email Address
33	Cunningham	(314) 615-1533	863 4909 3144	associatecivil1@courts.mo.gov
43	Ghasedi	(314) 615-1543	834 7052 5548	associatecivil2@courts.mo.gov
41	Lay	(314) 615-1541	831 5667 2419	associatecivil3@courts.mo.gov
37	Medler	(314) 615-1537	819 9884 6359	associatecivil4@courts.mo.gov
32	Lasater	(314) 615-1532	874 7765 1753	associatecivil5@courts.mo.gov
44	Hearne	(314) 615-1544	844 5705 3983	associatecivil6@courts.mo.gov



Paul Rymer
Plaintiff/Petitioner

February 8, 2021

Date _____

VS.

Credit Control, LLC
Defendant/Respondent

Case Number

Division

REQUEST FOR APPOINTMENT OF PROCESS SERVER

Comes now PLAINTIFF Paul Rymer, pursuant
Requesting Party

to Local Rule 28, and at his/her/its own risk requests the appointment of the Circuit Clerk of

Marybeth Rice, Pat Medley, Richard Raymond, Richard Hopson, Martin Hueckel, Kathleen Langdon, & Lawrence G Roth, Gary Tillman		
Name of Process Server	Address	Telephone

SRI	1528 South Big Bend, St. Louis, MO 63117	314-644-3955
Name of Process Server	Address or in the Alternative	Telephone

Name of Process Server	Address or in the Alternative	Telephone
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Natural person(s) of lawful age to serve the summons and petition in this cause on the below named parties. This appointment as special process server does not include the authorization to carry a concealed weapon in the performance thereof.

SERVE:

Richard Saffer, R/A
Name
5757 Phantom Drive, Suite 330
Address
Hazelwood, MO 63042
City/State/Zip

SERVE:

Name
Address
City/State/Zip

SERVE:

Name
Address
City/State/Zip

SERVE:

Name
Address
City/State/Zip

Appointed as requested:

JOAN M. GILMER, Circuit Clerk

By /s/ANDREA KAID-ALLEN
Deputy Clerk

Deputy Clerk 02-17-2021

Date _____

/S/ DOMINIC M. PONTELLO
Signature of Attorney/Plaintiff/Petitioner
60947
Bar No.
406 BOONES LICK RD, ST CHARLES, MO 63301
Address
(636) 896-4170 (636) 246-0141
Phone No. Fax No.

Local Rule 28. SPECIAL PROCESS SERVERS

(1) Any Judge may appoint a Special Process Server in writing in accordance with the law and at the risk and expense of the requesting party except no special process server shall be appointed to serve a garnishment [except as allowed by Missouri Supreme Court Rule 90.03(a)].

This appointment as Special Process Server does not include the authorization to carry a concealed weapon in the performance thereof.

(2) The Circuit Clerk may appoint a natural person other than the Sheriff to serve process in any cause in accordance with this subsection;

(A) Appointments may list more than one server as alternates.

(B) The appointment of a person other than the Sheriff to serve process shall be made at the risk and expense of the requesting party.

(C) Any person of lawful age, other than the Sheriff, appointed to serve process shall be a natural person and not a corporation or other business association.

(D) No person, other than the Sheriff, shall be appointed to serve any order, writ or other process which requires any levy, seizure, sequestration, garnishment, [except as allowed by Missouri Supreme Court Rule 90.03(a)], or other taking.

(E) Requests for appointment of a person other than the Sheriff to serve process shall be made on a "Request for Appointment of Process Server" electronic form, which may be found on the Court's Web Site, <https://wp.stlcountycourts.com> > forms.

(F) This appointment as Special Process Server does not include the authorization to carry a concealed weapon in the performance thereof.

SERVICE RETURN

Any service by the St. Louis County Sheriff's Office shall be scanned into the courts case management system. Any service by another Sheriff or a Special Process Server or any other person authorized to serve process shall return to the attorney or party who sought service and the attorney shall file the return electronically to the Circuit Clerk.

In the
CIRCUIT COURT
 Of St. Louis County, Missouri



For File Stamp Only

Paul Rymer
 Plaintiff/Petitioner

February 8, 2021
 Date

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 Defendant/Respondent

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 Name

 Address

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 Address

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By _____
 Deputy Clerk

 Date

/S/ DOMINIC M. PONTELLO
 Signature of Attorney/Plaintiff/Petitioner
60947
 Bar No.
406 BOONES LICK RD, ST CHARLES, MO 63301
 Address
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